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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re the Application of:

**HALAZONETIS et al.**

Serial No.: Not Yet Known  
Application is a Divisional of  
Serial No. 08/894,327  
(Filed December 4, 1997)

Atty. Docket No.: 002973.00031

Group Art Unit: Unknown

Filed: April 11, 2001

Examiner: Unknown

For: PEPTIDES AND PEPTIDOMIMETICS WITH STRUCTURAL SIMILARITY  
TO HUMAN p53 THAT ACTIVATE p53 FUNCTION

**REQUEST FOR CONFIRMATION OF ORIGINAL FILING DATE  
AND SERIAL NUMBER**

Commissioner for Patents  
Washington, D. C. 20231

Sir:

On April 11, 2001, Applicants filed a Divisional Application, Fee Transmittal, Preliminary Amendment and Submission of Sequence Listing, Information Disclosure Statement, Form PTO-1449, Joint Declaration for Patent Application (copy), and copy of WO 96/25434 before the U.S. Patent and Trademark Office (USPTO). A copy of the date stamped receipt card as proof of the same is attached. Also, a copy of all papers filed on April 11, 2001 are attached hereto for the convenience of the Patent Office. Applicants have not yet received a filing receipt or notification of a serial number.

On October 9, 2001, Applicants submitted a Status Inquiry for the above-identified divisional patent application. Copy attached. Applicants filed a Second Status Inquiry on February 8, 2002. Copy attached. In response to that Second Status Inquiry, Applicants' undersigned attorney received a telephone call from "Rene" (703-308-1235) of the USPTO. She stated that application serial number 08/894,327 was patented as U.S. Patent No. 6,245,886, on June 12, 2001, and she did not know why she was given the Second Status Inquiry to respond to.

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Divisional of Serial No. 08//894,327

2 -

Atty. Dkt. No. 002973.00031

Applicants followed up on this telephone call with a call to the Office of Initial Patent Examination (OIPE) (703-308-1202), who pointed out that the USPTO did not have any record of the April 11, 2001 divisional application as ever having been filed, and directed us to PCT Branch (703-305-3257).

Mr. Jim Lisehora of PCT Branch confirmed that the USPTO did not have any record of the April 11, 2001 divisional application as ever having been filed and referred us back to OIPE.


Applicants respectfully request the USPTO to accept the attached divisional patent application papers and the date stamped receipt card as proof of the April 11, 2001 filing and accord a filing date of April 11, 2001 and assign a serial number for the above-identified divisional application.

No fees are believed due for consideration of this Request. However, the Commissioner is authorized to charge Deposit Account No. 19-9733 for any fees deemed necessary.

Respectfully submitted,

Date: May 6, 2002

By:

  
Ajay Pathak  
Registration No. 38,266

Banner & Witcoff, Ltd.  
1001 G Street, N.W.  
Washington, D. C. 20001-4597  
(202) 508-9100

Enclosures:

Divisional Application Transmittal  
Fee Transmittal  
Preliminary Amendment and Submission of Sequence Listing  
Information Disclosure Statement  
Form PTO-1449  
Joint Declaration for Patent Application (copy)  
Copy of WO 96/25434  
Date stamped receipt card bearing USPTO date stamp of April 11, 2001  
Status Inquiry dated October 9, 2001  
Status Inquiry dated February 8, 2002

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Ap se through 10/31/2002. OMB 0651-0032  
U.S. Patent and Trademark U.S. DEPARTMENT OF COMMERCEUTILITY  
PATENT APPLICATION  
TRANSMITTAL

(Only for new nonprovisional applications under 37 C.F.R. 1.53(b))

Attorney Docket No. 02973.00031

First Inventor Halazonetis et al.

Title Peptides and Peptidomimetics with Structural Similarity to Human p53 that Activate p53 Function

Express Mail Label No.

## APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

1. ☒ Fee Transmittal Form (e.g., PTO/SB/17)  
(Submit an original and a duplicate for fee processing)
2. ☐ Applicant claims small entity status.  
See 37 CFR 1.27.
3. ☒ Specification [Total Pages 47]  
(preferred arrangement set forth below)  
- Descriptive title of the invention  
- Cross References to Related Applications  
- Statement Regarding Fed sponsored R & D  
- Reference to sequence listing, a table, or a computer program listing appendix  
- Background of the invention  
- Brief Summary of the invention  
- Brief Description of the Drawings (if filed)  
- Detailed Description  
- Claim(s)  
- Abstract of the Disclosure
4. ☐ Drawing(s) (35 U.S.C. 113) [Total Sheets ]
5. Oath or Declaration [Total Pages ]  
a. ☐ Newly executed (original or copy)  
b. ☒ Copy from a prior application (37 CFR 1.63 (d))  
(for a continuation/divisional with Box 18 completed)  
i. ☐ **DELETION OF INVENTOR(S)**  
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
6. ☐ Application Data Sheet. See 37 CFR 1.76

## ADDRESS TO:

Assistant Commissioner for Patents  
Box Patent Application  
Washington, DC 20231

7. ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)  
a. ☐ Computer Readable Form (CRF)  
b. Specification Sequence Listing on:  
i. ☐ CD-ROM or CD-R (2 copies); or  
ii. ☒ paper  
c. ☐ Statements verifying identity of above copies

## ACCOMPANYING APPLICATIONS PARTS

9. ☐ Assignment Papers (cover sheet & document(s))
10. ☐ 37 C.F.R. §3.73(b) Statement ☐ Power of Attorney  
(when there is an assignee)
11. ☐ English Translation Document (if applicable)
12. ☒ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS Citations
13. ☒ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503)  
(Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s)  
(if foreign priority is claimed)
16. ☐ Request and Certification under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
17. ☐ Other: \_\_\_\_\_

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuation ☒ Divisional ☐ Continuation-in-part (CIP)

of prior application No: 08 / 694,327

Prior application information: Examiner J. Huff

Group / Art Unit: 1642

For CONTINUATION or DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying or divisional application and is hereby incorporated by reference. The Incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

## 17. CORRESPONDENCE ADDRESS

☐ Customer Number or Bar Code Label

22907

or ☐ Correspondence address below

(Insert Customer No. or Attach bar code label here)

Name	Banner & Witcoff, LTD.				
Address	1001 G Street, NW, 11 <sup>th</sup> Floor				
City	Washington	State	dc	Zip Code	20001-4597
Country	USA	Telephone	202-508-9100	Fax	202-508-9299

Name (Print/Type)	Ajay Pathak	Registration No. (Attorney/Agent)	38,266
Signature	Ajay Pathak		Date April 11, 2001

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**FEE TRANSMITTAL  
for FY 2001**

Patent fees are subject to annual revision.

Complete if Known

TOTAL AMOUNT OF PAYMENT (\$ 710

Application Number	TBA
Filing Date	Herewith
First Named Inventor	Halazonetis et al.
Examiner Name	Unknown
Group / Art Unit	Unknown
Attorney Docket No.	02973.00031

METHOD OF PAYMENT (check one)		FEE CALCULATION (continued)																																																																																																																																																																															
1. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge indicated fees and credit any over payments to: Deposit Account Number: 19-0733 Deposit Account Name: Banner & Witcoff, LTD <input type="checkbox"/> Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17 <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		3. ADDITIONAL FEES <table border="1"> <thead> <tr> <th>Fee Code</th> <th>Large Entity Fee (\$)</th> <th>Small Entity Fee Code</th> <th>Small Entity Fee (\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr><td>105</td><td>130</td><td>205</td><td>65</td><td>Surcharge - late filing fee or oath</td><td></td></tr> <tr><td>127</td><td>50</td><td>227</td><td>25</td><td>Surcharge - late provisional filing fee or cover sheet</td><td></td></tr> <tr><td>139</td><td>130</td><td>139</td><td>130</td><td>Non-English specification</td><td></td></tr> <tr><td>147</td><td>2,520</td><td>147</td><td>2,520</td><td>For filing a request for reexamination</td><td></td></tr> <tr><td>112</td><td>920*</td><td>112</td><td>920*</td><td>Requesting publication of SIR prior to Examiner action</td><td></td></tr> <tr><td>113</td><td>1,840*</td><td>113</td><td>1,840*</td><td>Requesting publication of SIR after Examiner action</td><td></td></tr> <tr><td>115</td><td>110</td><td>215</td><td>55</td><td>Extension for reply within first month</td><td></td></tr> <tr><td>116</td><td>390</td><td>216</td><td>195</td><td>Extension for reply within second month</td><td></td></tr> <tr><td>117</td><td>890</td><td>217</td><td>445</td><td>Extension for reply within third month</td><td></td></tr> <tr><td>118</td><td>1,390</td><td>218</td><td>695</td><td>Extension for reply within fourth month</td><td></td></tr> <tr><td>128</td><td>1,890</td><td>228</td><td>945</td><td>Extension for reply within fifth month</td><td></td></tr> <tr><td>119</td><td>310</td><td>219</td><td>155</td><td>Notice of Appeal</td><td></td></tr> <tr><td>120</td><td>310</td><td>220</td><td>155</td><td>Filing a brief in support of an appeal</td><td></td></tr> <tr><td>121</td><td>270</td><td>221</td><td>135</td><td>Request for oral hearing</td><td></td></tr> <tr><td>138</td><td>1,510</td><td>138</td><td>1,510</td><td>Petition to institute a public use proceeding</td><td></td></tr> <tr><td>140</td><td>110</td><td>240</td><td>55</td><td>Petition to revive - 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\*\*or number previously paid, if greater. For Reissues, see above

SUBMITTED BY		Complete (if applicable)	
Name (Print/Type)	Ajay Pathak	Registration No. Attorney/Agent	38,266
Signature	<i>Ajay Pathak</i>	Telephone	202-508-9100
		Date	April 11, 2001

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